

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

The instant amendment is being filed to correct the inadvertent errors on line 1 and line 5 specified in the Amendment to the Specification section, located on page 3 of the prior amendment. The instant amendment now correctly specifies the page and paragraphs for which the amended information is to be located in the specification.

Claims 24 - 46 are pending in the application. Currently, all claims stand rejected.

By the present amendment, claims 24 - 28, 32, 33, and 35 have been amended; and new claim 47 has been added to the application. The amendments to claims 25 - 28 and 33 are made to correct grammatical errors and not for purposes of patentability.

In the office action mailed February 10, 2009, claims 24, 29 - 32, 34 - 37, 39 - 42, 44, and 45 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Publication No. 2003/0013199 to Anderson et al.; claims 25 - 28, 33, 43, and 46 were rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al.; and claim 38 was rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. in view of French Patent No. 2,784,023 to Gleizes.

The foregoing rejections are traversed by the instant response.

As amended herein, claim 24 is directed to a method for continuously drawing and mixing liquid samples originating from at least n different containers where n is greater than or equal to 2, said method comprising the steps of: drawing a given volume of n samples originating from n different containers of liquids; placing each of the samples drawn respectively in an intermediate sampling chamber; and transferring by gravity identical volumes of each sample drawn into a common mixing container and obtaining a mixture sample to be analysed. Support for this amendment can be found in paragraph 0067 of the specification.

As amended herein, claim 32 also includes the step of transferring by gravity identical volumes of each sample drawn into a common mixing container and obtaining a mixture sample to be analysed.

As amended herein claim 35 is directed to device for drawing and mixing samples of liquids originating from at least two different containers, said device comprising a mixing chamber connected to each of said containers, at least one intermediate sampling chamber between each said container and the mixing chamber, said at least one intermediate sampling chamber being connected so as to transfer to said mixing chamber at least part of the sampled liquid, said device being configured in a vertical arrangement, and the mixing chamber being disposed under said at least one intermediate sampling chamber and connected to said at least one intermediate sampling chamber so that the samples of liquid contained in the at least one intermediate sampling chamber flow by gravity into the mixing chamber.

In order to anticipate a claim, each and every limitation of the claim must be found in a single embodiment in a single reference. It is submitted that Anderson et al. does not anticipate claims 24, 32, and 35 because it does not disclose or suggest a method or device in which the transfer of samples from sampling chambers into the mixing chamber occurs by gravity.

For this reason, claims 24, 32, and 35 are allowable.

Claims 25 - 31, 33, 34, 36, 37, and 39 - 46 are allowable for the same reasons as their parent claims as well as on their own accord.

With respect to claim 38, the Gleizes patent does not overcome the deficiencies of Anderson et al. Thus, claim 38 is allowable for the same reason as its parent claim as well as on its own accord.

New claim 47 is allowable for the same reasons as claim 35 as well as on its own accord. Support for the subject matter of claim 47 can be found on page 3, paragraphs 0059 and 0068 of the specification.

With respect to the drawing objections, attached hereto is a replacement sheet of drawings containing a revised Figure 1 which deletes the reference numeral 6 and a replacement sheet of drawings containing a new Figure 3 which schematically illustrates the features mentioned in paragraph 4 and 5 of the office action. The Examiner is hereby requested to approve the drawing changes. Appropriate amendments have been made to the specification. No new matter has been added.

The instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicant's attorney at the telephone number listed below.

A request for a three month extension of time and the appropriate fees were previously filed on August 5, 2009.

No additional fee is believed to be due as a result of this Amendment. Should the Director determine that a fee is due, he is hereby authorized to charge said fee to said Deposit Account No. 02-0184.

Respectfully submitted,

Jean-Pierre Hermet et al.

By /Barry L. Kelmachter #29999/
Barry L. Kelmachter
BACHMAN & LaPOINTE, P.C.
Reg. No. 29,999
Attorney for Applicants

Telephone: (203)777-6628 ext. 112
Telefax: (203)865-0297
Email: docket@bachlap.com

Date: August 25, 2009

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